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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,752	07/13/2001	Noriyuki Kawano	211402US2	2054
22850 7590 06/02/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ORTIZ CRIADO, JORGE L				
ART UNIT 2627		PAPER NUMBER		
NOTIFICATION DATE 06/02/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 09/903,752	<b>Applicant(s)</b> KAWANO, NORIYUKI
<b>Examiner</b> JORGE L. ORTIZ CRIADO	<b>Art Unit</b> 2627

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/Jorge L Ortiz-Criado/  
Patent Examiner, Art Unit 2627

Continuation of 5. Applicant's reply has overcome the following rejection(s): Rrejections of claims 1-7 and 49 under 112 first/second paragraph..

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argues that Izuka does not teach or suggest PLURAL COILS MOUNTING PLATES (laminate structures) and that in the Figures 28-31 of Izuka is not taught or suggested to be anything but a "SINGLE (NOT PLURAL)" coil mounting plate 28 and that PTO must point out where the teaching of having "PLURAL" circuit boards is found.

The examiner cannot concur with the Applicant because, In regard to Figs. 28 and 29, in col. 21 lines 22-33, it is well explained of a provision of PLURAL substrates 28 and that are JOINED together.

The examiner (PTO) in the office action pointed out clearly these figures, furthermore Applicant acknowledge of the col. 21 lines 9-33 of Izuka for such description. Hence, the teaching was absolutely and expressly pointed out by the PTO. The examiner cannot find how or where a clear error is found in the office action.

Applicant is reminded that the referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is INCUMBENT upon the applicant to analyze the prior art document(s) in its/their ENTIRETY since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

Applicant argues that Murakami's tilt coils do not alone provide inclination adjustment tilting movement.

The examiner cannot concur because tilt coils 5a and 5b interact with the magnetic gap with the current s provided forcing the pickup to move in tilt directions (see abstract).

Applicant further argues that Murakami arrangement would have four coils and that the combination with Izuka that supports the lens at one end the artisan would have to modify Izuka and take onle half the need tilt coils from Murakami and would provide less than a full tilt correction.

The examiner cannot concur because the artisan in the combination at the time of the invention was made would take the NECESARY tilt coils that correspond to the one magnetic gap, since Murakami teaches that an arrangement of tilt coils interacting in only one gap of a magnetic circuit is capable of provide force that moves the object lens.

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that there is no teaching in Ikegame of a single magnetic gap that can provide a single magnetic field flux to interact with both coils.

The examiner cannot concur because Ikegame shows that in each single gap an interaction of magnetic flux is provided with each tilt coil. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references

Applicant argues that as for claim 4, that none of the reference remotely suggests the requirement of plural printed boards of alternating first, second integrated boars, because Izuka only shows one coil mounting plate.

As outlined above Applicant can refers to the portions above specified to find such teachings, since Izuka clearly and expressly discloses various/plurals mounting boards 28 joined together.

As for claim 58 Applicant argues that extrinsic evidence must make clear that the missing descriptive matter is necessarily present and that no such evidence is established by the mere conclusion of inherency offered by the outstanding action.

The examiner cannot concur because Izuka provides such evidence which clearly sets forth that for each coil independently that exclusively receives current and is provided in the laminate structure it is imperative that in order to provide supply such exclusive current to a specific coil, a conductive elastic member must be provided. Hence, in the combination with Ikegame and Murakami, there is another coil provided, in this case the tilt coils, which exclusively receives, separate and independently current it is readily understood that in the combination the conductive members must be provided. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references..